

**REGULAR MEETING OF CITY COUNCIL
OCTOBER 2, 2007**

1:30 P.M.

PRESENT:

Jeff Brain
Charles Gillingham
Marvin Dickson
Garrett Spradling
Leon DeWeese

Mayor
Council Member
Council Member
Council Member
Council Member

STAFF:

Wanda Klause
Eddie Edwards
Jimmy Adams
Glynn Carlock
Larry Mullenix
Henry Veach
Bob Watson

City Manager
Asst. City Manager
Police Chief
Director of Finance
Director of Planning & Zoning
Director of Public Works
Interim Fire Chief

VISITORS:

Judy Mihm
Janet Huffine
Raymond Loftis
Judy Flanders
Bill Carder
Ray Ramsay
Vicki Ramsay

NEWS MEDIA:

Michelle Berry

Borger News Herald

MINUTES APPROVED: Following review of the minutes of the Regular Meeting of September 18, 2007, motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve the minutes as written. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: Following review, motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve payment of the expenditures for the last half of September as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PUBLIC HEARING CONDUCTED ON A RE-ZONING REQUEST: Director of Planning

& Zoning Larry Mullenix submitted a re-zoning request from Mr. Ray Ramsay to re-zone Lots 17-20, Block 24, Original Townsite, 700 Whittenburg, from a General Residence Zoning District to a Commercial Zoning District for the purpose of operating a dog training facility. Mayor Brain opened a public hearing on the proposed re-zoning and asked if anyone wished to speak. There being no comments, the Mayor closed the public hearing. No further action was taken.

PUBLIC HEARING CONDUCTED ON A REQUEST FOR A SPECIFIC USE PERMIT:

Director of Planning & Zoning Larry Mullenix submitted a request from Mr. Danny Blackwell for a Specific Use Permit to allow a manufactured home to be placed on Lots 23-24, Block 11, Isom Addition, 205-209 W. Jefferson. Mayor Brain opened a public hearing on the specific use request and asked if anyone wished to speak. There being no comments, the Mayor closed the public hearing. Motion was made by Council Member DeWeese, seconded by Council Member Spradling, to approve the issuance of a specific use permit to allow the placement of a manufactured home on Lots 23 & 24, Block 11, Isom Addition as requested. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION RECEIVED FROM THE PLANNING & ZONING

COMMISSION - PUBLIC HEARING SET: Director of Planning & Zoning Larry Mullenix submitted a recommendation from the Planning & Zoning Commission to receive a preliminary and final plat from Mr. Harish Patel for the platting of a 2.280 acre tract of land in the N/2 of Section 23, Block 23, A&B Survey and set a public hearing to receive comments from the public. Following discussion, motion was made by Council Member DeWeese, seconded by Council Member Dickson, to receive the plat and set a public hearing for 1:30 p.m., October 16, 2007 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RECOMMENDATION RECEIVED FROM THE PLANNING & ZONING

COMMISSION - PUBLIC HEARING SET: Director of Planning & Zoning Larry Mullenix submitted a recommendation from the Planning & Zoning Commission. The Commission recommended that the City Council receive a request from Mr. Jay Campbell for a specific use permit to allow the placement of a mini-storage facility in a commercially zoned district at 401 Weatherly, Lots 12-13 & 16, Block 44, Original Townsite. Following discussion, motion was made by Council Member Gillingham, seconded by Council Member Spradling, to receive the request and set a public hearing for 1:30 p.m., November 6, 2007 to allow for public comment. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

REQUEST FROM McDONALDS USA REMOVED FROM THE TABLE AND

APPROVED: Assistant City Manager Eddie Edwards submitted a second request from McDonalds USA for a partial release of City right-of-way on a 0.422 acre lot located at the intersection of Bulldog Boulevard and Cedar Street (State Highway 207). The first request was tabled on September 18, 2007 for lack of information. Motion was made by Council Member Spradling, seconded by Council Member DeWeese, to remove from the table a request submitted by McDonalds USA for a partial release of City right-of-way and move to approve same. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

TOURISM SERVICES CONTRACT BETWEEN THE CITY OF BORGER AND FRIENDS OF THE HUTCHINSON COUNTY HISTORICAL MUSEUM APPROVED:

Judy Flanders, representing Friends of the Hutchinson County Historical Museum, submitted the 2007-2008 budget for Friends and other information concerning planned projects for the upcoming year. Council Member Spradling asked Ms. Flanders if Friends would consider moving their fiscal year from October 1st to April 1st. Ms. Flanders indicated that it would not be a problem. Motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve the Tourism Services Contract with Friends of the Hutchinson County Historical Museum and change Friends fiscal year from October 1st to April 1, 2008; therefore, this contract will expire March 31, 2008. The motion carried by the following vote:

Ayes: Garrett Spradling, Leon DeWeese and Marvin Dickson

Abstention: Charles Gillingham

Nays: None

TOURISM SERVICES CONTRACT BETWEEN THE CITY OF BORGER AND THE TRI-CITY COMMUNITY CONCERT ASSOCIATION APPROVED:

Judy Flanders, representing the Tri-City Community Concert Association, submitted the 2007-2008 budget for the Association and other information concerning planned projects for the upcoming year. Council Member Spradling asked Ms. Flanders if the Association would consider moving their fiscal year from October 1st to April 1st. Ms. Flanders indicated that it would not be a problem. Motion was made by Council Member Spradling, seconded by Council Member DeWeese, to approve the Tourism Services Contract with the Tri-City Community Concert Association and change the Association's fiscal year from October 1st to April 1st; therefore, this contract will expire March 31, 2008. The motion carried by the following vote:

Ayes: Garrett Spradling, Leon DeWeese and Marvin Dickson

Abstention: Charles Gillingham

Nays: None

OPERATION FACELIFT APPROVED: Larry Mullenix, Director of Planning and Zoning, submitted an operation facelift contract requesting the demolition of structure(s) located at 1118 Baker, Lot 11, Block 31, Coronado Addition. Following discussion, motion was made by

Council Member Dickson, seconded by Council Member Gillingham, to approve the operation facelift contract to demolish structure(s) located at 1118 Baker. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

BID SUBMITTED FROM HUTCHINSON COUNTY APPRAISAL DISTRICT FOR THE SALE OF PROPERTY APPROVED:

Chief Appraiser of the Hutchinson County Appraisal District Bill Swink submitted a bid of \$2,000.00 from Beatrice Moreno to purchase Lot 9, Block 30, 108 Warner, Coronado Addition, which did not sell at a tax sale auction. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Dickson, to approve the sale of Lot 9, Block 30, Coronado Addition in the amount of \$2,000 as bid. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE NO. O-010-07 RELATED TO EXEMPTING GOODS-IN-TRANSIT

TABLED: Eddie Edwards, Assistant City Manager, submitted Ordinance No. O-010-07 pertaining to HB 612 which provides for the exemption of goods-in-transit from taxation, and asked the Council to consider introduction of the ordinance to implement this exemption. Council Member Spradling questioned the impact this exemption might have on the City of Borger, and recommended the Ordinance be tabled for further study. Following discussion, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to table the ordinance. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None

QUESTIONS AND COMMENTS FROM CITIZENS: None.

EXECUTIVE SESSION: Mayor Brain stated that in compliance with Chapter 551, Govt. Code, Vernon's Texas Codes Annotated, the Council would retire into executive session relative to Section 551.072 Real Property as follows.

- (a) Discuss the purchase of property adjacent to the Phillips Municipal Golf Course.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session, Mayor Brain reconvened the regular meeting and stated that the Council discussed the purchase of property adjacent to the Phillips Municipal Golf Course. No decisions were made and no action was taken.

MEETING ADJOURNED: There being no further business, motion was made by Council Member Spradling, seconded by Council Member Gillingham, to adjourn the meeting.

Mayor

ATTEST:

City Manager